



Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 18 November 2020 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and Mr P Wilding

Members not present:

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

162 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

163 **Urgent Items**

There were no urgent items.

164 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of planning application SB/20/00525/FUL as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a person interest in respect of planning applications CH/19/02758/FUL, CH/19/20/02280/FUL, CH/20/00638/FUL, CH/20/00642/FUL and SB/20/00525/FUL as a Member of West Sussex County Council.

Mrs Purnell declared a person interest in respect of planning applications CH/19/02758/FUL, CH/19/20/02280/FUL, CH/20/00638/FUL, CH/20/00642/FUL and SB/20/00525/FUL as a Member of West Sussex County Council.

Mr Rodgers declared a pecuniary interest in CH/19/02758/FUL due to living in close proximity to the application site. Mr Rodgers confirmed he would take no part in the

debate or vote for this planning application, therefore and his video was turned off and sound muted for the duration of this item.

165 **CH/19/02758/FUL - Hambrook Holiday Park, Broad Road, Hambrook, Chidham, Chichester, West Sussex. PO18 8RF**

Miss Bell presented the items to Members.

The Committee received the following speakers:

Roger Gowlett – Parish Council
Debby Sleven – Objector (statement read)
Eliza Willis – Objector (statement read)
Adrian Moss – Ward Councillor

Mrs Sharp left the meeting.

Miss Bell responded to Members comments and questions. Miss Bell confirmed that many of issues relating to the free-holders were landowner matters and were not material to the planning application. However, the issues had been noted and the Construction and Environment Management Plan (CEMP) within the report included two additional clauses, one to ensure access to the freeholder pitches was available at all times during the construction work and a second to ensure that there is no disruption to the utilities as a result of any construction work. Miss Bell also advised that any actions taken by the applicant to date were outside planning control. Miss Bell explained that once construction had been completed, the access roads would be slightly altered but pedestrian access would be maintained and similarly, landscaping would not impede access. The twelve parking spaces to the front of the site for the free-holders were not affected and there were controls within the conditions to ensure they were not used by others.

With regards to nitrates, Miss Bell explained that officers had been in discussion with Natural England. Natural England had changed the designation of the harbour in February 2019, and therefore it was a necessity to consider the impact of nitrates from any overnight accommodation after this date. The permission for 79 caravans with overnight accommodation was granted in 2016 and the applicant did not seek to increase occupation of the site beyond the existing caravans and those granted in 2016, but to redevelop the site to provide better amenity conditions. As the 2016 permission had been implemented and was extant, there was no requirement to consider the impact of nitrates.

On the matter of whether the site could be closed for a number of months each year to ensure it was restricted to holiday use, Miss Golding advised that in order to close a holiday park for a specific period of time, an appropriate planning reason was required, for example if the land was prone to flooding during winter months. Should a closure take place without a robust planning reason it would be subject to challenge, with the potential to be lost at appeal. Miss Bell also drew Members attention to Conditions 11 and 24 which restricted the use of the site to holiday accommodation only.

With regards to refuse storage and collection, Miss Bell explained that the Environment Health team had queried if there was another option for the location of the bins, but the only other option would be for placement at the front of the site in the recreational area, which was considered to have significant dis-benefits. The bins faced into the park rather than towards neighbouring properties, and the turning space was insufficient for a refuse vehicle to be driven further into the site.

Miss Golding also advised with regards to the right of way, this was a private matter for the free-holders, and this only related to the application in connection with construction. Miss Golding further advised that due to the existence of permitted development rights, demolishing the clubhouse was not an illegal act and similarly retrospective-applications were not illegal.

In response to a request for clarification regarding enforcement activity at the site, Mr Whitty confirmed that enforcement officers had been actively involved on a number of occasions since 2005, and listed successful identifications of breach of condition notices served and illegal use, which had resulted in occupiers having to leave the site. Mr Whitty added that currently, due to Covid-19 restrictions, site visits had been limited. Going forward, updated conditions would provide the requirements for use of the site. Mr Whitty further confirmed that as the number of residents on the site would not increase, this would not impact on nitrates and or emissions to the treatment works. With regards to the separate matter of Southern Water discharging untreated sewage into the harbour or problems in the existing sewage network, that would be a matter for the Environment Agency and Ofwat, respectively.

On a point of clarification in relation to holiday and residential use, Miss Bell drew Members attention to the report which listed the site licences and pitches.

With regards to the demolition of the clubhouse, Miss Bell referred to the 2016 planning permission which allowed the change from touring to static caravans at the eastern end of the site and also works to the frontage of the site which included the demolition of the clubhouse and storage building, and altering that part of the site to a recreational area. The 2016 planning permission did not seek to reconfigure and alter the main part of the site, and had been partially implemented, although not completed, but therefore was extant.

On the matter of the new conditions in relation to the free-holders, Mr Whitty confirmed that the new conditions would not impact on the free-holders, as that area was outside the application site.

Mr Whitty advised that in regards to the motives and behaviour of the applicant, the Members had only heard the views of objectors, on issues which could not be considered as material matters, and Members should not attempt to speculate with regards to potential future concerns. Whilst not condoning breaches of planning control, it was also not unusual for holiday sites to be subject to enforcement action.

Mr Whitty further confirmed that Southern Water had not raised concerns on the matter of sewage. On the suggestion of temporary closures of the site for maintenance, Mr Whitty responded that there was no evidence that maintenance

could not be carried out whilst the park was open. On the further suggestion of granting temporary permission and review at a later date, Mr Whitty explained that significant investment would likely be required for the redevelopment of the site and therefore it would be inappropriate to grant temporary consent, adding that conditions would be in place to control the use of the site going forward.

Mr Oakley left the meeting and did not return.

In a vote Members agreed the recommendation.

Recommendation to **Permit**.

166 **CH/19/02880/FUL - Plot A Pond Farm, Newells Lane, West Ashling, Chichester, West Sussex, PO18 8DF**

Mrs Stevens presented the item to Members.

The Committee received the following speakers:

Roger Gowlett – Parish Council (who spoke on this item and item numbers 6 and 7)

Angus Murdoch – Agent

Adrian Moss – Ward Councillor (who spoke on this item and item numbers 6 and 7)

Mrs Stevens responded to Members' comments and questions. With regards to the protection of bats and nesting birds, Mrs Stevens drew Members attention to the comments from the Council's Environmental Officer within the report. Mrs Stevens also explained the detailed comments provided by West Sussex County Council's Public Rights of Way team. Mrs Stevens further explained that refuse vehicles were able to use the single track road to access bins.

Mrs Stevens further confirmed that it would not be reasonable to set conditions which allowed the plot only to be used for a family member of the adjacent site, given the need for gypsy and traveller sites within the district. The landscape corridor which would be contained within the emerging Local Plan, would relate to maintaining biodiversity and the site was not considered to be of significance in this regard. Landscaping would enhance the site and gaps left for wildlife to move around. Mrs Stevens also clarified that the plot was within flood zone one, and that Condition 15 referred to a lighting scheme.

In a vote Members agreed the recommendation.

Recommendation to **Permit**.

167 **CH/20/00638/FUL - Plot C2 Pond Farm, Newells Lane, West Ashling, Chichester, West Sussex, PO18 8DF**

Mrs Stevens presented the item to Members.

The Committee received the following speakers:

Roger Gowlett – Parish Council (had previously spoken on this item)
Angus Murdoch – Agent (who spoke on this item and item 7)
Adrian Moss – Ward Councillor (had previously spoken on this item)

Mrs Sharp returned to the meeting.

The Chairman confirmed that a temporary permission was already in place, and this application was seeking a permanent permission, and further confirmed that the term 'settled traveller' did not refer to travel not taking place on occasion.

In a vote Members agreed the recommendation.

Recommendation to **Permit**.

168 **CH/20/00642/FUL - Plot C2a and Cb Pond Farm, Newells Lane, West Ashling, Chichester, West Sussex, PO18 8DF**

Mrs Stevens presented the item to Members.

The Committee received the following speakers:

Roger Gowlett – Parish Council (had previously spoken on this item)
Angus Murdoch – Agent (had previously spoken on this item)
Adrian Moss – Ward Councillor (had previously spoken on this item)

Mrs Stevens responded to Members' comments and questions. On a request for clarification regarding the title of the plots which were referenced in the report as C2A and C2B, Mrs Stevens responded that the correct title for the plots were C2A and CB, however the plots were drawn on the map and therefore this confirmed the correct boundary. With regards to the six foot tall fencing surrounding existing plots, Mrs Stevens advised that due to the passage of time, these were now lawful and therefore removal could not be requested.

In a vote Members agreed the recommendation.

Recommendation to **Permit**.

169 **SB/20/00525/FUL - Prinsted Care Home, Prinsted Lane, Prinsted, Southbourne, PO10 8HR**

Mrs Stevens presented the item to Members.

Mrs Stevens began by providing a verbal update in which she explained that when sending out the committee invitation letters, an initial notification letter had been forwarded to some neighbouring properties and as a result, the publicity expiry date was now not until the 30th November 2020. Due to this error it would not be possible determine the application at the Committee meeting and consequently the recommendation was amended to delegate the application to officers for determination. Should this be agreed by the Committee, officers would consider any

further representations received, and a decision would not be taken until the publicity period had expired.

The Committee received the following speakers:

Amanda Tait – Parish Council
Anthony Morrow – Objector
Robert Hayes – Objector
Sarah Richardson – Objector (statement read)
Tracie Bangert – Ward Councillor

Mrs Stevens responded to Members' comments and questions. With regards to nitrates, Mrs Stevens advised that this was not an issue for this application as there would not be increase in the number of residents at the care home, which was currently and would continue to be conditioned as a total of 44. Double rooms were being used as single rooms, as residents sharing rooms had decreased. Therefore, the number of residents was less than the limit of 44 and the application would allow each of the 44 rooms to be occupied by one resident.

In reference to comments made by the Planning Committee in 2008, Mr Whitty advised that the Planning Committee could not make policy, and therefore any comments made, were not a material consideration and similarly neither was the number of applications for a site. Mr Whitty added that Committee must focus on identifying any potential harm caused by an application.

With regards to the garden area, Mrs Stevens responded that the amenity area would be reduced in size, but the application would provide a residential block with doors opening onto the garden. On the question of residents occupying the proposed block, having to walk to the main building for meals and other activities, Mr Whitty responded that this was not a planning matter.

Mr Barrett made a proposal that further information was sought and brought back to the Committee, which was seconded by Rev Bowden. Mr Whitty iterated that the number of residents was conditioned to 44 which would be enforceable. Mr Whitty added that delivery times to the site were not currently restricted, but that a Travel Plan could be investigated. Mr Whitty sought clarification regarding the further information the Committee would require, and Members cited the extended consultation period which could bring forward further consultee comments. Mr Whitty advised that the extension of the consultation period was the result of an administrative error, as explained by Mrs Stevens and a full consultation period had previously ended, which had produced the submission of a number of comments. Mr Whitty however confirmed that it was the prerogative of the Committee to request that the application was returned to a further meeting, but reminded the Committee, it was not unusual for it to delegate the determination of an application to officers.

Mr Barrett proposed a deferral to the end of the further extended consultation period, and for the application to be brought back to the Committee for determination. In a vote Members did not agree to bring the application back to the Committee.

Mr Whitty confirmed that the investigation of a Travel Plan would be added to the recommendation.

In a vote Members agreed the revised recommendation.

Recommendation to **delegate to officers** for determination.

170 **Consideration of any late items as follows:**

There were no late items.

171 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.50 pm

CHAIRMAN

Date: